

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 04-3420
CHIEF OPERATING OFFICER TO PURCHASE)	
THE SALINAS PROPERTY IN THE TUALATIN)	Introduced by Chief Operating Officer
RIVER ACCESS POINTS TARGET AREA)	Michael J. Jordan, with the concurrence of
)	Council President David Bragdon

WHEREAS, in July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, at the election held on May 16, 1995, the Metro area voters approved the Open Spaces, Parks and Streams bond measure (Ballot Measure 26-26) which authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements; and

WHEREAS, on March 14, 1996, via Resolution 96-2299 (For the Purpose of Approving a Refinement Plan For the Tualatin River Greenway and Access Points as Outlined in the Open Space Implementation Work Plan), the Metro Council adopted a refinement plan for the Tualatin River Access Points regional target area, which included a confidential tax-lot specific map identifying priority properties for acquisition; and

WHEREAS, on May 14, 1998, via Resolution 98-2643 (For the Purpose of Authorizing the Executive Officer to Amend the Tualatin River Access Points Target Area Refinement Plan and to Execute an Intergovernmental Agreement With the City of Tualatin to Manage Property), the Metro Council amended the Tualatin River Access Points regional target area to include properties in Tualatin River Greenway; and

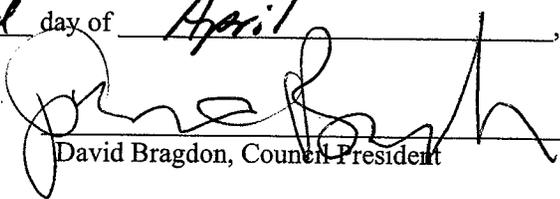
WHEREAS, on September 27, 2001, the Metro Council approved Resolution 01-3106 (For the Purpose of Modifying the Open Spaces Implementation Work Plan and Open Spaces Acquisition Regional Target Area Refinement Plans to Direct Future Acquisitions of Properties That Satisfy Specific Identified Criteria), modifying the Open Spaces Implementation Work Plan and Open Spaces Acquisition regional target area refinement plans to require Metro Council approval of all acquisitions in target areas where minimum acreage goals have been met; and

WHEREAS, on November 18, 2003, Metro entered into an Agreement of Purchase and Sale (“Agreement”) to acquire the Salinas Property, subject to Metro Council approval of the terms of said Agreement; and

WHEREAS Metro has exceeded the minimum 226-acre goal established for the Tualatin River Greenway Access Points Target Area, and therefore the purchase of the Salinas Property requires formal Metro Council authorization in accord with Council Resolution 01-3106; now therefore

BE IT RESOLVED that the Metro Council authorizes the Metro Chief Operating Officer to purchase the Salinas Property as identified in Exhibit A, in accordance with the terms and conditions set forth in the Agreement.

ADOPTED by the Metro Council this 22nd day of April, 2004.


David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney



Resolution No. 04-3420

011003

**Exhibit A
Property Description**

Parcel: Being a part of the Northeast quarter of Section 19, Township 2 South, Range I East of the Willamette Meridian, in the City of Tualatin, County of Clackamas and State of Oregon, bounded and described as follows:

Beginning at a basalt stone set at the Southwest comer of the Southeast quarter of the Northeast quarter of Section 19, Township 2 South, Range 1 East of the Willamette Meridian; running thence North tracing the West boundary of the Southeast quarter of the Northeast quarter of said Section 19, a distance of 181.00 feet to a point in the center of the Tualatin River, and the south boundary of the town plat of PILKINGTON; thence Southeasterly tracing the center of the Tualatin River and along the South boundary of the town plat of PILKINGTON, 1,339.46 feet, more or less, to the Southeast comer thereof, said point being a point on the East boundary of Section 19, Township 2 South, Range 1 East of the Willamette Meridian; thence tracing the East boundary of said section, South 0° 39' East, 21.18 feet to the quarter section comer between Sections 19 and 20, said Township and Range; thence tracing the quarter section line North 89° 22 'West 1,322.35 feet to the place of beginning.

EXCEPTING that portion conveyed to Ernest Wike, et ux, by Deed recorded October 5, 1953, in Book 474, Page 249, Deed Records.

PARCEL 2: Part of the East half of the Southeast quarter of Section 19, Township 2 South, Range 1 East of the Willamette Meridian, in the City of Tualatin, County of Clackamas and State of Oregon, described as follows:

Beginning at the Northwest comer of the East half of the Southeast quarter of said Section 19; thence South along the West line of said East half of the Southeast quarter, 330 feet to the Southwest comer of Lot 14, ORCHARD HILLS, now vacated; thence East along the South line of said Lot 14, a distance of 665.72 feet to the center of vacated Sorenson Street; thence North along the center of said vacated street, 130 feet to the Southwest comer of the Raicy tract, described in Book 474, Page 251, Deed Records; thence East along the South line of said Raicy tract 163.5 feet to the Southeast comer thereof; thence North along the East line of said Raicy tract 200 feet to the North line of the Southeast quarter of Section 19; thence West along said North line 828.72 feet to the point of beginning.

Page 17 Exht"bit A - Property Description

Agreement of Purchase and Sale - Salinas/Metro
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STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 04-3420 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE THE SALINAS PROPERTY IN THE TUALATIN RIVER ACCESS POINTS TARGET AREA

Date: [January 27, 2004](#)

Prepared by: Nancy Chase

BACKGROUND

Resolution No. 04-3420 requests authorization for the Chief Operating Officer to purchase the 7.79-acre Salinas property (hereafter referred to as "the Property") in the Tualatin River Access Points Target Area.

This resolution proposes to authorize the purchase of the Property, subject to the terms of an Agreement of Purchase and Sale ("Agreement"). The Property was one of two properties approved for acquisition by Resolution No. 98-2643 ("For the Purpose of Authorizing the Executive Officer to Amend the Tualatin River Access Points Target Area Refinement Plan and to Execute an Intergovernmental Agreement With the City of Tualatin to Manage Property"), adopted May 14, 1998), which amended the original refinement plan map for the Tualatin River Access Points Target Area. Metro and the City of Tualatin acquired the other property included in the amendment, consisting of 8.53 acres, in 1998. The Property is 7.79 acres in size with over 2 acres in the 100-year floodplain. The Property is a gap in the public ownership along the Tualatin River Greenway. If purchased the Property would link almost a mile of river frontage. The purchase of the Property requires Metro Council authorization pursuant to Resolution No. 01-3106 ("For The Purpose of Modifying The Open Spaces Implementation Work Plan and Open Spaces Acquisition Regional Target Area Refinement Plans To Direct Future Acquisitions Of Properties That Satisfy Specific Identified Criteria"), adopted September 27, 2001, because Metro has previously exceeded the minimum 266-acre goal established for the target area.

Acquisition of the Property is recommended because it would meet two of the criteria set forth in Resolution 01-3106:

- "Are located in existing identified gaps in public ownership in critical wildlife corridors, trails or greenways identified in the bond measure." The purchase of this Property would close the gap between two publicly-owned properties as well as provide approximately 835 feet of frontage on the Tualatin River.
- "Are adjacent to existing Metro or other public ownership or conservation group-owned properties, and are key remaining parcels necessary to accomplish the assemblage of a regional scale natural area, consistent with specific Target Area goals and objectives as set forth in existing approved Refinement Plans for that target area." The Property is bordered on the west by property owned by Metro and the City of Tualatin, and on the east by City-owned open space.
- "Within existing target areas and parcels that meet the objectives otherwise set forth in this Resolution, particular emphasis should be given to acquisitions that would either (a) have a significant financial contribution from a local government or other outside partner" The City of Tualatin is making a significant financial contribution towards the purchase of the Property.

Acquisition of the Property meets the Tualatin River Access Points, Tier 1 objective: “Preservation of floodplain, wetland and riparian habitats along the river, while providing possible access to natural areas in and around access points.” The Property contains 2.27 acres of land within the 100-year floodplain and a scenic wooded bluff that would provide a variety of habitat restoration opportunities. If acquired, the Property will become an extension of Brown’s Ferry Park, which is a public access point for Tualatin River users. The City of Tualatin has agreed to pay 27% of the appraised value of the property, pay the contracted dollar amount over the appraised value and provide long-term management of the Property.

FINDINGS

Acquisition of the Property with the above-stated terms is recommended based on the following:

- The Property lies in the Tualatin River Access Points target area and fulfills a specific goal of the refinement plan.
- The Property has significant restoration opportunities and scenic resource values, including frontage along the Tualatin River.
- The Property represents a critical link between public ownerships along the Tualatin River for greenway purposes.
- While the overall minimum acreage goal of the target area has been exceeded, the acquisition of this Property is highly desirable from a regional perspective due to it filling a gap in public ownership, frontage along a river of regional significance, opportunity for restoration, and its location in a rapidly developing urban area.
- The City of Tualatin’s offer to partner in the acquisition costs and assume management responsibilities provides an opportunity to leverage Metro’s bond funds.

ANALYSIS/INFORMATION

1. Known Opposition

None

2. Legal Antecedents

Metro Code 2.04.026 (a) (3) requires that the Chief Operating Officer (formerly the Executive Officer) obtain the authorization of the Metro Council prior to executing any contract for the purchase of real property.

In May 1995, Metro area voters approved the Open Spaces, Parks and Streams Bond Measure that authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and certain park-related capital improvements.

The Open Spaces Implementation Work Plan, adopted by the Metro Council via Resolution 96-2424 (“For The Purpose Of Authorizing The Executive Officer To Purchase Property With Accepted Acquisition Guidelines As Outlined In The Amended Open Spaces Implementation Work Plan”) established acquisition parameters that authorize the Executive Officer to purchase property, within the Council-approved target area refinement plan maps. The Open Spaces Implementation Work Plan, adopted by the Metro Council via Resolution 95-2228A (“For the Purpose of Authorizing the Executive Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Open Space Implementation Work Plan”), adopted November 2, 1995, as amended by Resolution 96-2424 (“For the Purpose of Authorizing the Executive Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Amended Open Spaces Implementation Work Plan”), adopted January 9, 1997, was established to implement the Open Spaces, Parks and Streams bond measure passed by the voters of the region in 1995. The Work Plan established acquisition parameters that authorize the Executive Officer to purchase property, within certain criteria, in the Council-approved target area refinement plan maps.

Via Resolution 96-2299 (“For The Purpose Of Approving A Refinement Plan For The Tualatin River Access Points Target Area As Outlined In The Open Space Implementation Work Plan”), adopted March 14, 1996, the Metro Council approved the Tualatin River Access Points target area refinement plan and tax lot-specific map.

Via Resolution 98-2643 (“For the Purpose of Authorizing the Executive Officer to Amend the Tualatin River Access Points Target Area Refinement Plan and to Execute an Intergovernmental Agreement With the City of Tualatin to Manage Property), adopted May 14, 1998, the Metro Council amended the target area refinement plan map to include the Property.

On September 27, 2001, the Metro Council adopted Resolution 01-3106 (For the Purpose of Modifying the Open Spaces Implementation Work Plan and Open Spaces Acquisition Regional Target Area Refinement Plans to Direct Future Acquisitions of Properties That Satisfy Specific Identified Criteria), which modifies the Open Spaces Implementation Work Plan. Section B of Resolution 01-3106 requires Metro Council approval of new acquisitions in target areas where minimum acreage goals (as established in the bond measure) have been met. This resolution proposes to authorize the purchase of the Property, subject to the terms of the Agreement, to be executed by the Property owner and Metro. The proposed acquisition satisfies two of the listed criteria set forth in Section A of Resolution 01-3106.

3. Anticipated Effects

The acquisition of this Property represents a critical link in the effort to acquire greenway along the Tualatin River and fill a gap in public ownership.

4. Budget Impacts

The City of Tualatin has agreed to fund approximately 27% of appraised value of this Property and 100% of the purchase price over appraised value. There are sufficient unrestricted regional bond funds available to cover 73% of the appraised value. Landbanking and future management costs will be borne by the City of Tualatin.

RECOMMENDED ACTION

Michael J. Jordan, Chief Operating Officer, with the concurrence of David Bragdon, Council President, recommends adoption of Resolution 04-3420.